IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13669 of 2004

Between:

1. N.Madhusudhan Rao, S/o Laxma Rao, Aged 49 years,
   Secretary, Primary Agricultural Cooperative Society,

Kanchanapalli, Motkur Mandal, Nalgonda District.
2. T.Venkata Mohan, S/o. Kistaiah, aged 47 years,
   Secretary, Primary Agricultural Cooperative Society, Mallapur,

Bhongir Mandal, Nalgonda District.
3. Md.Yousuf, S/o. Abdul Nabhi, aged 49 years,
   Secretary, Primary Agricultural Cooperative Society, Chada,

Atmakur Mandal, Nalgonda District.

..... PETITIONERS

AND

1. The District Cooperative Officer, Nalgonda.
2. The General Manager, Nalgonda District Cooperative Central

Bank, Nalgonda.
3. The Person-in-Charge, Primary Agricultural Cooperative

Society, Kanchanpalli, Motkur Mandal, Nalgonda District.
4. The Person-in-Charge, Primary Agricultural Cooperative

Society, Mallapur, Bhongir Mandal, Nalgonda District.
5. The Person-in-Charge, Primary Agricultural Cooperative

Society, Chada, Atmakur Mandal, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction particularly one in the nature of Writ of Mandamus declaring the impugned proceedings of the respondents 3 to 5 No.01/04 dated 22.07.2004 including the orders of the first respondent in Rc.No.1389/90-C dated 13.07.2004 and 15.07.2004 as totally illegal, without jurisdiction and in violation of

the principles of natural justice and consequently direct the respondents to continue the petitioners in the existing posts of Paid Secretaries by setting aside the impugned proceedings with all consequential reliefs and benefits.

Counsel for the Petitioners: MR.S.LAKSHMA REDDY

Counsel for the Respondent No.1: GP FOR COOPERATION

Counsel for the Respondent Nos.2 to 5: Mr.T.Amarnadh Goud

The Court at the stage of admission made the following :

THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

Writ Petition No. 13669 of 2004

ORDER:

The petitioners are working as Secretaries of three different co-operative Societies since several years. They were issued show cause notices on 22.07.2004 mentioning as to why they should not be continued in the posts of Clerks held by them prior to 06.01.1992 and why the excess salary they obtained since 1992 should not be recovered from them, in pursuance of the orders dated 13.07.2004 and 15.07.2004 of the first respondent.

2. The petitioners being aggrieved by the said show cause notice, approached this Court through this writ petition, seeking to declare that the said proceedings as illegal, without jurisdiction and violative of principles of natural justice.

3. The impugned show cause notice clearly indicates that the petitioners are at liberty to submit their explanations within fifteen days, listing out their grievances and the objections, if any, for posting them to the posts of the Clerks by way of reversion. When there is a scope for the concerned Authority to pass appropriate orders under the statute, after receipt of the explanations from the petitioners, the petitioners directly approaching this Court, on receipt of the show cause notice, is not appreciated. Any person, who is aggrieved by the action of the concerned Authority has to exhaust the remedies available under the statute and on finding any illegality in the orders of the concerned Authority, should seek any remedy by invoking the jurisdiction of this Court under Article 226 of the Constitution of India. This is a case, where the petitioners have to file their explanations and invite orders from the respondents 3 to 5 and if the respondents 3 to 5 pass any adverse orders affecting the interests of the petitioners, they shall have the liberty to approach this Court. Therefore, the present writ petition is pre-mature and it cannot be entertained

at this stage.

4. The petitioners are, therefore, directed to file their explanations to the show cause notice dated 22.07.2004 within fifteen days from the date of receipt of a copy of this Order and the respondents 3 to 5 shall, on receipt of the said explanations, consider all the objections raised by the petitioners, both factual and legal and pass appropriate orders according to the Rules in force. The petitioners shall be continued in the same posts in which they are presently working till the respondents 3 to 5 pass orders after receipt of the explanations from the petitioners.

5. The Writ Petition is accordingly disposed of. No order as to costs.

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Dr.G.YETHIRAJULU, J

Date: 11th October, 2004.

Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The District Cooperative Officer, Nalgonda.
2. The General Manager, Nalgonda District Cooperative Central Bank, Nalgonda.
3. The Person-in-Charge, Primary Agricultural Cooperative Society, Kanchanpalli, Mottur Mandal, Nalgonda District.
4. The Person-in-Charge, Primary Agricultural Cooperative Society, Mallapur.
5. The Person-in-Charge, Primary Agricultural Cooperative Society, Chada, Atmakur Mandal, Nalgonda District.
6. Two C.Cs. to the Government Pleader for Cooperation, High Court Buildings, Hyderabad.(O.U.T.)
7. Two C.D. copies.